

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

CURTIS LEVAR WELLS, JR.,
Plaintiff,

V.

JAVIER FUENTES, et al.,
Defendants

Case No. 1:22-cv-00140-MSN-IDD
Next Event: Dec 16, 2022
Motion Hearing

SUPPLEMENTAL MEMORANDUM IN SUPPORT
MOTION TO STRIKE

COMES NOW PLAINTIFF, by counsel, and for this Supplemental Memorandum in Support of his Motion to Strike the Notice of Substitution (Dkt. No. 55), and, in support thereof, respectfully states as follows:

On October 11, 2022, Plaintiff, by counsel, filed a Motion to Strike and Memorandum in Support thereof seeking the Court to strike Defendants Armstrong, Shepherd, and United States' Notice of Substitution at Dkt. No. 55. Shortly thereafter, counsel for the Federal Defendants and undersigned counsel held a telephone conference relating to the substance of the Notice and Plaintiff's Motion to Strike and it appeared prudent for the instant Supplemental Memorandum to correct Plaintiff's Motion to Strike and to clarify the Notice of Substitution's purport.

Undersigned counsel inaccurately interpreted the Federal Defendants' Notice of Substitution and that interpretation infected the drafting of the Motion to Strike. Federal Defendants Notice does not attempt to substitute the United States in for Defendants Armstrong and Shepherd for all counts or claims of the Second Amended Complaint and it is limited to Counts Three and Four of the Second Amended Complaint. Furthermore, it does not seek to gain an advantage to dismiss the individual defendants from the case.

Plaintiff maintains the balance of the arguments in the Memorandum in Support of Plaintiff's Motion to Strike.

Undersigned Counsel apologizes to the Court and to counsel for the Federal Defendants for this misinterpretation.

WHEREFORE, Plaintiff respectfully requests the Court TO STRIKE Defendant Armstrong, Shepherd, and the United States' Notice of Substitution (Dkt. No. 55), and for such other and additional relief as the Court deems reasonable and just.

Dated October 11, 2022.

Respectfully submitted,

Curtis Wells,

By: _____/s/ _____
Counsel

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CERTIFICATE OF SERVICE

I hereby certify on this day, October 11, 2022, that the foregoing paper was filed and served with the Clerk of Court via the Court's CM/ECF system, which will send notice of such filing to all registered users.

/s/
Matthew A. Crist
Counsel for Plaintiff